

Introduced by Senator McClintock

February 22, 2005

An act to amend Section 11453 of, to repeal Sections 11450.01, 11450.015, 11450.017, and 11450.018 of, and to repeal and amend Section 11450 of, the Welfare and Institutions Code, relating to human services, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1071, as introduced, McClintock. CalWORKs: Cola elimination.

Under existing law, cash assistance under the CalWORKs program is provided by each county through a combination of county, state, and federal funds. State funds are continuously appropriated to pay for a share of CalWORKs program aid grant costs.

Under existing law, with specified exceptions, an annual cost-of-living adjustment is required to be provided in maximum aid payment amounts prescribed under the CalWORKs program.

This bill would, commencing July 1, 2005, establish specified maximum aid grant payment amounts under the CalWORKs program. It would provide that these amounts may be adjusted only in those years in which the amounts for this purpose are expressly allocated in the annual Budget Act.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11450 of the Welfare and Institutions
2 Code, as amended by Section 18 of Chapter 147 of the Statutes
3 of 1999, is repealed.

4 ~~11450. (a) (1) Aid shall be paid for each needy family,~~
5 ~~which shall include all eligible brothers and sisters of each~~
6 ~~eligible applicant or recipient child and the parents of the~~
7 ~~children, but shall not include unborn children, or recipients of~~
8 ~~aid under Chapter 3 (commencing with Section 12000), qualified~~
9 ~~for aid under this chapter. In determining the amount of aid paid,~~
10 ~~and notwithstanding the minimum basic standards of adequate~~
11 ~~care specified in Section 11452, the family's income, exclusive~~
12 ~~of any amounts considered exempt as income or paid pursuant to~~
13 ~~subdivision (c) or Section 11453.1 shall be deducted from the~~
14 ~~sum specified in the following table, as adjusted for~~
15 ~~cost-of-living increases pursuant to Section 11453 and paragraph~~
16 ~~(2). In no case shall the amount of aid paid for each month~~
17 ~~exceed the sum specified in the following table, as adjusted for~~
18 ~~cost-of-living increases pursuant to Section 11453 and paragraph~~
19 ~~(2), plus any special needs, as specified in subdivisions (c), (c),~~
20 ~~and (f):~~

21		
22	—Number of	
23	eligible needy	
24	—persons in	Maximum
25	the same home	aid
26	— 1.....	\$- 326
27	— 2.....	— 535
28	— 3.....	— 663
29	— 4.....	— 788
30	— 5.....	— 899
31	— 6.....	-1,010
32	— 7.....	-1,109
33	— 8.....	-1,209
34	— 9.....	-1,306
35	— 10 or more.....	-1,403

36
37 If, when, and during such times as the United States
38 government increases or decreases its contributions in assistance

1 of needy children in this state above or below the amount paid on
2 July 1, 1972, the amounts specified in the above table shall be
3 increased or decreased by an amount equal to that increase or
4 decrease by the United States government, provided that no
5 increase or decrease shall be subject to subsequent adjustment
6 pursuant to Section 11453.

7 (2) ~~The sums specified in paragraph (1) shall not be adjusted~~
8 ~~for cost of living for the 1990-91, 1991-92, 1992-93, 1993-94,~~
9 ~~1994-95, 1995-96, 1996-97, and 1997-98 fiscal years, and~~
10 ~~through October 31, 1998, nor shall that amount be included in~~
11 ~~the base for calculating any cost-of-living increases for any fiscal~~
12 ~~year thereafter. Elimination of the cost-of-living adjustment~~
13 ~~pursuant to this paragraph shall satisfy the requirements of~~
14 ~~Section 11453.05, and no further reduction shall be made~~
15 ~~pursuant to that section.~~

16 (b) ~~When the family does not include a needy child qualified~~
17 ~~for aid under this chapter, aid shall be paid to a pregnant mother~~
18 ~~for the month in which the birth is anticipated and for the~~
19 ~~three-month period immediately prior to the month in which the~~
20 ~~birth is anticipated in the amount which would otherwise be paid~~
21 ~~to one person, as specified in subdivision (a), if the mother, and~~
22 ~~child if born, would have qualified for aid under this chapter.~~
23 ~~Verification of pregnancy shall be required as a condition of~~
24 ~~eligibility for aid under this subdivision. Aid shall also be paid to~~
25 ~~a pregnant woman with no other children in the amount which~~
26 ~~would otherwise be paid to one person under subdivision (a) at~~
27 ~~any time after verification of pregnancy if the pregnant woman is~~
28 ~~also eligible for the Cal-Learn Program described in Article 3.5~~
29 ~~(commencing with Section 11331) and if the mother and child, if~~
30 ~~born, would have qualified for aid under this chapter.~~

31 (e) ~~The amount of forty-seven dollars (\$47) per month shall be~~
32 ~~paid to pregnant mothers qualified for aid under subdivision (a)~~
33 ~~or (b) to meet special needs resulting from pregnancy if the~~
34 ~~mother, and child, if born, would have qualified for aid under this~~
35 ~~chapter. County welfare departments shall refer all recipients of~~
36 ~~aid under this subdivision to a local provider of the Women,~~
37 ~~Infants and Children program. If that payment to pregnant~~
38 ~~mothers qualified for aid under subdivision (a) is considered~~
39 ~~income under federal law in the first five months of pregnancy,~~
40 ~~payments under this subdivision shall not apply to persons~~

1 eligible under subdivision (a), except for the month in which
2 birth is anticipated and for the three-month period immediately
3 prior to the month in which delivery is anticipated, if the mother,
4 and the child if born, would have qualified for aid under this
5 chapter.

6 (d) For children receiving AFDC-FC under this chapter, there
7 shall be paid, exclusive of any amount considered exempt as
8 income, an amount of aid each month which, when added to the
9 child's income, is equal to the rate specified in Section 11460,
10 11461, 11462, 11462.1, or 11463. In addition, the child shall be
11 eligible for special needs, as specified in departmental
12 regulations.

13 (e) In addition to the amounts payable under subdivision (a)
14 and Section 11453.1, a family shall be entitled to receive an
15 allowance for recurring special needs not common to a majority
16 of recipients. These recurring special needs shall include, but not
17 be limited to, special diets upon the recommendation of a
18 physician for circumstances other than pregnancy, and unusual
19 costs of transportation, laundry, housekeeping service, telephone,
20 and utilities. The recurring special needs allowance for each
21 family per month shall not exceed that amount resulting from
22 multiplying the sum of ten dollars (\$10) by the number of
23 recipients in the family who are eligible for assistance.

24 (f) After a family has used all available liquid resources, both
25 exempt and nonexempt, in excess of one hundred dollars (\$100),
26 the family shall also be entitled to receive an allowance for
27 nonrecurring special needs.

28 (1) An allowance for nonrecurring special needs shall be
29 granted for replacement of clothing and household equipment
30 and for emergency housing needs other than those needs
31 addressed by paragraph (2). These needs shall be caused by
32 sudden and unusual circumstances beyond the control of the
33 needy family. The department shall establish the allowance for
34 each of the nonrecurring special need items. The sum of all
35 nonrecurring special needs provided by this subdivision shall not
36 exceed six hundred dollars (\$600) per event.

37 (2) Homeless assistance is available to a homeless family
38 seeking shelter when the family is eligible for aid under this
39 chapter. Homeless assistance for temporary shelter is also
40 available to homeless families which are apparently eligible for

1 aid under this chapter. Apparent eligibility exists when evidence
2 presented by the applicant or which is otherwise available to the
3 county welfare department and the information provided on the
4 application documents indicate that there would be eligibility for
5 aid under this chapter if the evidence and information were
6 verified. However, an alien applicant who does not provide
7 verification of his or her eligible alien status, or a woman with no
8 eligible children who does not provide medical verification of
9 pregnancy, is not apparently eligible for purposes of this section.

10 A family is considered homeless, for the purpose of this
11 section, when the family lacks a fixed and regular nighttime
12 residence; or the family has a primary nighttime residence that is
13 a supervised publicly or privately operated shelter designed to
14 provide temporary living accommodations; or the family is
15 residing in a public or private place not designed for, or
16 ordinarily used as, a regular sleeping accommodation for human
17 beings.

18 (A) (i) A nonrecurring special need of forty dollars (\$40) a
19 day shall be available to families for the costs of temporary
20 shelter, subject to the requirements of this paragraph. County
21 welfare departments may increase the daily amount available for
22 temporary shelter to large families as necessary to secure the
23 additional bed space needed by the family.

24 (ii) This special need shall be granted or denied immediately
25 upon the family's application for homeless assistance, and
26 benefits shall be available for up to three working days. The
27 county welfare department shall verify the family's homelessness
28 within the first three working days and if the family meets the
29 criteria of questionable homelessness established by the
30 department, the county welfare department shall refer the family
31 to its early fraud prevention and detection unit, if the county has
32 such a unit, for assistance in the verification of homelessness
33 within this period.

34 (iii) After homelessness has been verified, the three-day limit
35 shall be extended for a period of time which, when added to the
36 initial benefits provided, does not exceed a total of 16 calendar
37 days. This extension of benefits shall be done in increments of
38 one week and shall be based upon searching for permanent
39 housing which shall be documented on a housing search form;
40 good cause; or other circumstances defined by the department.

1 Documentation of housing search shall be required for the initial
2 extension of benefits beyond the three-day limit and on a weekly
3 basis thereafter as long as the family is receiving temporary
4 shelter benefits. Good cause shall include, but is not limited to,
5 situations in which the county welfare department has
6 determined that the family, to the extent it is capable, has made a
7 good faith but unsuccessful effort to secure permanent housing
8 while receiving temporary shelter benefits.

9 (B) A nonrecurring special need for permanent housing
10 assistance is available to pay for last month's rent and security
11 deposits when these payments are reasonable conditions of
12 securing a residence.

13 The last month's rent portion of the payment (1) shall not
14 exceed 80 percent of the family's maximum aid payment without
15 special needs for a family of that size and (2) shall only be made
16 to families that have found permanent housing costing no more
17 than 80 percent of the family's maximum aid payment without
18 special needs for a family of that size, in accordance with the
19 maximum aid schedule specified in subdivision (a).

20 However, if the county welfare department determines that a
21 family intends to reside with individuals who will be sharing
22 housing costs, the county welfare department shall, in
23 appropriate circumstances, set aside the condition specified in
24 clause (2) of the preceding paragraph.

25 (C) The nonrecurring special need for permanent housing
26 assistance is also available to cover the standard costs of deposits
27 for utilities which are necessary for the health and safety of the
28 family.

29 (D) A payment for or denial of permanent housing assistance
30 shall be issued no later than one working day from the time that a
31 family presents evidence of the availability of permanent
32 housing. If an applicant family provides evidence of the
33 availability of permanent housing before the county welfare
34 department has established eligibility for aid under this chapter,
35 the county welfare department shall complete the eligibility
36 determination so that the denial of or payment for permanent
37 housing assistance is issued within one working day from the
38 submission of evidence of the availability of permanent housing,
39 unless the family has failed to provide all of the verification
40 necessary to establish eligibility for aid under this chapter.

1 ~~(E) (i) Except as provided in clauses (ii) and (iii), eligibility~~
2 ~~for the temporary shelter assistance and the permanent housing~~
3 ~~assistance pursuant to this paragraph shall be limited to one~~
4 ~~period of up to 16 consecutive calendar days of temporary~~
5 ~~assistance and one payment of permanent assistance. Any family~~
6 ~~that includes a parent or nonparent caretaker relative living in the~~
7 ~~home who has previously received temporary or permanent~~
8 ~~homeless assistance at any time on behalf of an eligible child~~
9 ~~shall not be eligible for further homeless assistance. Any person~~
10 ~~who applies for homeless assistance benefits shall be informed~~
11 ~~that the temporary shelter benefit of up to 16 consecutive days is~~
12 ~~available only once in a lifetime, with certain exceptions, and~~
13 ~~that a break in the consecutive use of the benefit constitutes~~
14 ~~permanent exhaustion of the temporary benefit.~~

15 ~~(ii) A family that becomes homeless as a direct and primary~~
16 ~~result of a state or federally declared natural disaster shall be~~
17 ~~eligible for temporary and permanent homeless assistance.~~

18 ~~(iii) A family shall be eligible for temporary and permanent~~
19 ~~homeless assistance when homelessness is a direct result of~~
20 ~~domestic violence by a spouse, partner, or roommate; physical or~~
21 ~~mental illness that is medically verified that shall not include a~~
22 ~~diagnosis of alcoholism, drug addiction, or psychological stress;~~
23 ~~or, the uninhabitability of the former residence caused by sudden~~
24 ~~and unusual circumstances beyond the control of the family~~
25 ~~including natural catastrophe, fire, or condemnation. These~~
26 ~~circumstances shall be verified by a third-party governmental or~~
27 ~~private health and human services agency and homeless~~
28 ~~assistance payments based on these specific circumstances may~~
29 ~~not be received more often than once in any 12-month period. A~~
30 ~~county may require that a recipient of homeless assistance~~
31 ~~benefits who qualifies under this paragraph for a second time in a~~
32 ~~24-month period participate in a homelessness avoidance case~~
33 ~~plan as a condition of eligibility for homeless assistance benefits.~~

34 ~~(iv) The county welfare department shall report to the~~
35 ~~department through a statewide homeless assistance payment~~
36 ~~indicator system, necessary data, as requested by the department,~~
37 ~~regarding all recipients of aid under this paragraph.~~

38 ~~(F) The county welfare departments, and all other entities~~
39 ~~participating in the costs of the AFDC program, have the right in~~
40 ~~their share to any refunds resulting from payment of the~~

1 permanent housing. However, if an emergency requires the
2 family to move within the 12-month period specified in
3 subparagraph (E), the family shall be allowed to use any refunds
4 received from its deposits to meet the costs of moving to another
5 residence.

6 (G) ~~Payments to providers for temporary shelter and~~
7 ~~permanent housing and utilities shall be made on behalf of~~
8 ~~families requesting these payments.~~

9 (H) ~~The daily amount for the temporary shelter special need~~
10 ~~for homeless assistance may be increased if authorized by the~~
11 ~~current year's Budget Act by specifying a different daily~~
12 ~~allowance and appropriating the funds therefor.~~

13 (I) ~~No payment shall be made pursuant to this paragraph~~
14 ~~unless the provider of housing is a commercial establishment,~~
15 ~~shelter, or person in the business of renting properties who has a~~
16 ~~history of renting properties.~~

17 (g) ~~The department shall establish rules and regulations~~
18 ~~assuring the uniform application statewide of this subdivision.~~

19 (h) ~~The department shall notify all applicants and recipients of~~
20 ~~aid through the standardized application form that these benefits~~
21 ~~are available and shall provide an opportunity for recipients to~~
22 ~~apply for the funds quickly and efficiently.~~

23 (i) ~~Except for the purposes of Section 15200, the amounts~~
24 ~~payable to recipients pursuant to Section 11453.1 shall not~~
25 ~~constitute part of the payment schedule set forth in subdivision~~
26 ~~(a).~~

27 ~~The amounts payable to recipients pursuant to Section 11453.1~~
28 ~~shall not constitute income to recipients of aid under this section.~~

29 (j) ~~For children receiving Kin-GAP pursuant to Article 4.5~~
30 ~~(commencing with Section 11360) of Chapter 2, there shall be~~
31 ~~paid, exclusive of any amount considered exempt as income, an~~
32 ~~amount of aid each month, which, when added to the child's~~
33 ~~income, is equal to the rate specified in Section 11364.~~

34 SEC. 2. Section 11450 of the Welfare and Institutions Code,
35 as amended by Section 328 of Chapter 62 of the Statutes of 2003,
36 is amended to read:

37 11450. (a) ~~(1)~~ Aid shall be paid for each needy family,
38 which shall include all eligible brothers and sisters of each
39 eligible applicant or recipient child and the parents of the
40 children, but shall not include unborn children, or recipients of

1 aid under Chapter 3 (commencing with Section 12000), qualified
 2 for aid under this chapter. In determining the amount of aid paid,
 3 and notwithstanding the minimum basic standards of adequate
 4 care specified in Section 11452, the family’s income, exclusive
 5 of any amounts considered exempt as income or paid pursuant to
 6 subdivision (e) or Section 11453.1, averaged for the prospective
 7 quarter pursuant to Sections 11265.2 and 11265.3, and then
 8 calculated pursuant to Section 11451.5, shall be deducted from
 9 the sum specified in the following table, as adjusted for
 10 cost-of-living increases pursuant to Section 11453 and paragraph
 11 (2). In no case, *including as a result of a court decision or*
 12 *settlement agreement*, shall the amount of aid paid for each
 13 month exceed the sum specified in the following table, as
 14 adjusted for cost-of-living increases pursuant to Section 11453
 15 and paragraph (2), plus any special needs, as specified in
 16 subdivisions (c), (e), and (f):

17	18	19	20	21	22
	Number of	eligible needy	persons in	the same home	Maximum
					aid
22	1.....				\$ 326
23					\$ 372
24	2.....				535
25					611
26	3.....				663
27					755
28	4.....				788
29					899
30	5.....				899
31					1,023
32	6.....				1,010
33					1,149
34	7.....				1,109
35					1,262
36	8.....				1,209
37					1,377
38	9.....				1,306
39					1,488

1	Number of	
2	eligible needy	
3	persons in	Maximum
4	the same home	aid
5	10 or more.....	-1,403
6		1,598

7
8 ~~If, when, and during such times as the United States~~
9 ~~government increases or decreases its contributions in assistance~~
10 ~~of needy children in this state above or below the amount paid on~~
11 ~~July 1, 1972, the amounts specified in the above table shall be~~
12 ~~increased or decreased by an amount equal to that increase or~~
13 ~~decrease by the United States government, provided that no~~
14 ~~increase or decrease shall be subject to subsequent adjustment~~
15 ~~pursuant to Section 11453.~~

16 ~~(2) The sums specified in paragraph (1) shall not be adjusted~~
17 ~~for cost of living for the 1990-91, 1991-92, 1992-93, 1993-94,~~
18 ~~1994-95, 1995-96, 1996-97, and 1997-98 fiscal years, and~~
19 ~~through October 31, 1998, nor shall that amount be included in~~
20 ~~the base for calculating any cost-of-living increases for any fiscal~~
21 ~~year thereafter. Elimination of the cost-of-living adjustment~~
22 ~~pursuant to this paragraph shall satisfy the requirements of~~
23 ~~Section 11453.05, and no further reduction shall be made~~
24 ~~pursuant to that section.~~

25 (b) When the family does not include a needy child qualified
26 for aid under this chapter, aid shall be paid to a pregnant mother
27 for the month in which the birth is anticipated and for the
28 three-month period immediately prior to the month in which the
29 birth is anticipated in the amount that would otherwise be paid to
30 one person, as specified in subdivision (a), if the mother, and
31 child, if born, would have qualified for aid under this chapter.
32 Verification of pregnancy shall be required as a condition of
33 eligibility for aid under this subdivision. Aid shall also be paid to
34 a pregnant woman with no other children in the amount which
35 would otherwise be paid to one person under subdivision (a) at
36 any time after verification of pregnancy if the pregnant woman is
37 also eligible for the Cal-Learn Program described in Article 3.5
38 (commencing with Section 11331) and if the mother, and child, if
39 born, would have qualified for aid under this chapter.

1 (c) The amount of forty-seven dollars (\$47) per month shall be
2 paid to pregnant mothers qualified for aid under subdivision (a)
3 or (b) to meet special needs resulting from pregnancy if the
4 mother, and child, if born, would have qualified for aid under this
5 chapter. County welfare departments shall refer all recipients of
6 aid under this subdivision to a local provider of the Women,
7 Infants and Children program. If that payment to pregnant
8 mothers qualified for aid under subdivision (a) is considered
9 income under federal law in the first five months of pregnancy,
10 payments under this subdivision shall not apply to persons
11 eligible under subdivision (a), except for the month in which
12 birth is anticipated and for the three-month period immediately
13 prior to the month in which delivery is anticipated, if the mother,
14 and the child, if born, would have qualified for aid under this
15 chapter.

16 (d) For children receiving AFDC-FC under this chapter, there
17 shall be paid, exclusive of any amount considered exempt as
18 income, an amount of aid each month which, when added to the
19 child's income, is equal to the rate specified in Section 11460,
20 11461, 11462, 11462.1, or 11463. In addition, the child shall be
21 eligible for special needs, as specified in departmental
22 regulations.

23 (e) In addition to the amounts payable under subdivision (a)
24 and Section 11453.1, a family shall be entitled to receive an
25 allowance for recurring special needs not common to a majority
26 of recipients. These recurring special needs shall include, but not
27 be limited to, special diets upon the recommendation of a
28 physician for circumstances other than pregnancy, and unusual
29 costs of transportation, laundry, housekeeping service, telephone,
30 and utilities. The recurring special needs allowance for each
31 family per month shall not exceed that amount resulting from
32 multiplying the sum of ten dollars (\$10) by the number of
33 recipients in the family who are eligible for assistance.

34 (f) After a family has used all available liquid resources, both
35 exempt and nonexempt, in excess of one hundred dollars (\$100),
36 the family shall also be entitled to receive an allowance for
37 nonrecurring special needs.

38 (1) An allowance for nonrecurring special needs shall be
39 granted for replacement of clothing and household equipment
40 and for emergency housing needs other than those needs

1 addressed by paragraph (2). These needs shall be caused by
2 sudden and unusual circumstances beyond the control of the
3 needy family. The department shall establish the allowance for
4 each of the nonrecurring special need items. The sum of all
5 nonrecurring special needs provided by this subdivision shall not
6 exceed six hundred dollars (\$600) per event.

7 (2) Homeless assistance is available to a homeless family
8 seeking shelter when the family is eligible for aid under this
9 chapter. Homeless assistance for temporary shelter is also
10 available to homeless families which are apparently eligible for
11 aid under this chapter. Apparent eligibility exists when evidence
12 presented by the applicant or which is otherwise available to the
13 county welfare department and the information provided on the
14 application documents indicate that there would be eligibility for
15 aid under this chapter if the evidence and information were
16 verified. However, an alien applicant who does not provide
17 verification of his or her eligible alien status, or a woman with no
18 eligible children who does not provide medical verification of
19 pregnancy, is not apparently eligible for purposes of this section.

20 A family is considered homeless, for the purpose of this
21 section, when the family lacks a fixed and regular nighttime
22 residence; or the family has a primary nighttime residence that is
23 a supervised publicly or privately operated shelter designed to
24 provide temporary living accommodations; or the family is
25 residing in a public or private place not designed for, or
26 ordinarily used as, a regular sleeping accommodation for human
27 beings.

28 (A) (i) A nonrecurring special need of forty dollars (\$40) a
29 day shall be available to families for the costs of temporary
30 shelter, subject to the requirements of this paragraph. County
31 welfare departments may increase the daily amount available for
32 temporary shelter to large families as necessary to secure the
33 additional bed space needed by the family.

34 (ii) This special need shall be granted or denied immediately
35 upon the family's application for homeless assistance, and
36 benefits shall be available for up to three working days. The
37 county welfare department shall verify the family's homelessness
38 within the first three working days and if the family meets the
39 criteria of questionable homelessness established by the
40 department, the county welfare department shall refer the family

1 to its early fraud prevention and detection unit, if the county has
2 such a unit, for assistance in the verification of homelessness
3 within this period.

4 (iii) After homelessness has been verified, the three-day limit
5 shall be extended for a period of time which, when added to the
6 initial benefits provided, does not exceed a total of 16 calendar
7 days. This extension of benefits shall be done in increments of
8 one week and shall be based upon searching for permanent
9 housing which shall be documented on a housing search form;
10 good cause; or other circumstances defined by the department.
11 Documentation of housing search shall be required for the initial
12 extension of benefits beyond the three-day limit and on a weekly
13 basis thereafter as long as the family is receiving temporary
14 shelter benefits. Good cause shall include, but is not limited to,
15 situations in which the county welfare department has
16 determined that the family, to the extent it is capable, has made a
17 good faith but unsuccessful effort to secure permanent housing
18 while receiving temporary shelter benefits.

19 (B) A nonrecurring special need for permanent housing
20 assistance is available to pay for last month's rent and security
21 deposits when these payments are reasonable conditions of
22 securing a residence.

23 The last month's rent portion of the payment (1) shall not
24 exceed 80 percent of the family's maximum aid payment without
25 special needs for a family of that size and (2) shall only be made
26 to families that have found permanent housing costing no more
27 than 80 percent of the family's maximum aid payment without
28 special needs for a family of that size, in accordance with the
29 maximum aid schedule specified in subdivision (a).

30 However, if the county welfare department determines that a
31 family intends to reside with individuals who will be sharing
32 housing costs, the county welfare department shall, in
33 appropriate circumstances, set aside the condition specified in
34 clause (2) of the preceding paragraph.

35 (C) The nonrecurring special need for permanent housing
36 assistance is also available to cover the standard costs of deposits
37 for utilities which are necessary for the health and safety of the
38 family.

39 (D) A payment for or denial of permanent housing assistance
40 shall be issued no later than one working day from the time that a

1 family presents evidence of the availability of permanent
2 housing. If an applicant family provides evidence of the
3 availability of permanent housing before the county welfare
4 department has established eligibility for aid under this chapter,
5 the county welfare department shall complete the eligibility
6 determination so that the denial of or payment for permanent
7 housing assistance is issued within one working day from the
8 submission of evidence of the availability of permanent housing,
9 unless the family has failed to provide all of the verification
10 necessary to establish eligibility for aid under this chapter.

11 (E) (i) Except as provided in clauses (ii) and (iii), eligibility
12 for the temporary shelter assistance and the permanent housing
13 assistance pursuant to this paragraph shall be limited to one
14 period of up to 16 consecutive calendar days of temporary
15 assistance and one payment of permanent assistance. Any family
16 that includes a parent or nonparent caretaker relative living in the
17 home who has previously received temporary or permanent
18 homeless assistance at any time on behalf of an eligible child
19 shall not be eligible for further homeless assistance. Any person
20 who applies for homeless assistance benefits shall be informed
21 that the temporary shelter benefit of up to 16 consecutive days is
22 available only once in a lifetime, with certain exceptions, and
23 that a break in the consecutive use of the benefit constitutes
24 permanent exhaustion of the temporary benefit.

25 (ii) A family that becomes homeless as a direct and primary
26 result of a state or federally declared natural disaster shall be
27 eligible for temporary and permanent homeless assistance.

28 (iii) A family shall be eligible for temporary and permanent
29 homeless assistance when homelessness is a direct result of
30 domestic violence by a spouse, partner, or roommate; physical or
31 mental illness that is medically verified that shall not include a
32 diagnosis of alcoholism, drug addiction, or psychological stress;
33 or, the uninhabitability of the former residence caused by sudden
34 and unusual circumstances beyond the control of the family
35 including natural catastrophe, fire, or condemnation. These
36 circumstances shall be verified by a third-party governmental or
37 private health and human services agency and homeless
38 assistance payments based on these specific circumstances may
39 not be received more often than once in any 12-month period. A
40 county may require that a recipient of homeless assistance

1 benefits who qualifies under this paragraph for a second time in a
2 24-month period participate in a homelessness avoidance case
3 plan as a condition of eligibility for homeless assistance benefits.

4 (iv) The county welfare department shall report to the
5 department through a statewide homeless assistance payment
6 indicator system, necessary data, as requested by the department,
7 regarding all recipients of aid under this paragraph.

8 (F) The county welfare departments, and all other entities
9 participating in the costs of the AFDC program, have the right in
10 their share to any refunds resulting from payment of the
11 permanent housing. However, if an emergency requires the
12 family to move within the 12-month period specified in
13 subparagraph (E), the family shall be allowed to use any refunds
14 received from its deposits to meet the costs of moving to another
15 residence.

16 (G) Payments to providers for temporary shelter and
17 permanent housing and utilities shall be made on behalf of
18 families requesting these payments.

19 (H) The daily amount for the temporary shelter special need
20 for homeless assistance may be increased if authorized by the
21 current year's Budget Act by specifying a different daily
22 allowance and appropriating the funds therefor.

23 (I) No payment shall be made pursuant to this paragraph
24 unless the provider of housing is a commercial establishment,
25 shelter, or person in the business of renting properties who has a
26 history of renting properties.

27 (g) The department shall establish rules and regulations
28 assuring the uniform application statewide of this subdivision.

29 (h) The department shall notify all applicants and recipients of
30 aid through the standardized application form that these benefits
31 are available and shall provide an opportunity for recipients to
32 apply for the funds quickly and efficiently.

33 (i) Except for the purposes of Section 15200, the amounts
34 payable to recipients pursuant to Section 11453.1 shall not
35 constitute part of the payment schedule set forth in subdivision
36 (a).

37 The amounts payable to recipients pursuant to Section 11453.1
38 shall not constitute income to recipients of aid under this section.

39 (j) For children receiving Kin-GAP pursuant to Article 4.5
40 (commencing with Section 11360) of Chapter 2, there shall be

1 paid, exclusive of any amount considered exempt as income, an
2 amount of aid each month, which, when added to the child's
3 income, is equal to the rate specified in Section 11364.

4 SEC. 3. Section 11450.01 of the Welfare and Institutions
5 Code is repealed.

6 ~~11450.01. (a) Notwithstanding any other provision of law,~~
7 ~~commencing October 1, 1992, the maximum aid payments~~
8 ~~specified in paragraph (1) of subdivision (a) of Section 11450 in~~
9 ~~effect on July 1, 1992, shall be reduced by 4.5 percent.~~

10 ~~(b) (1) The department shall seek the approval from the~~
11 ~~United States Department of Health and Human Services that is~~
12 ~~necessary to reduce the maximum aid payments specified in~~
13 ~~subdivision (a) by an additional amount equal to 1.3 percent of~~
14 ~~the maximum aid payments specified in paragraph (1) of~~
15 ~~subdivision (a) of Section 11450 in effect on July 1, 1992.~~

16 ~~(2) The reduction provided by this subdivision shall be made~~
17 ~~on the first day of the month following 30 days after the date of~~
18 ~~approval by the United States Department of Health and Human~~
19 ~~Services.~~

20 SEC. 4. Section 11450.015 of the Welfare and Institutions
21 Code is repealed.

22 ~~11450.015. Notwithstanding any other provision of law, the~~
23 ~~maximum aid payments in effect on June 30, 1993, in accordance~~
24 ~~with paragraph (1) of subdivision (a) of Section 11450 as~~
25 ~~reduced by subdivisions (a) and (b) of Section 11450.01, shall be~~
26 ~~reduced by 2.7 percent beginning the first of the month following~~
27 ~~60 days after the enactment of this section.~~

28 SEC. 5. Section 11450.017 of the Welfare and Institutions
29 Code is repealed.

30 ~~11450.017. Notwithstanding any other provision of law, the~~
31 ~~maximum aid payment in effect on June 30, 1994, in accordance~~
32 ~~with paragraph (1) of subdivision (a) of Section 11450 as~~
33 ~~reduced by subdivisions (a) and (b) of Section 11450.01 and~~
34 ~~Section 11450.015, shall be reduced by 2.3 percent beginning the~~
35 ~~first of the month following 50 days after the effective date of~~
36 ~~this section.~~

37 SEC. 6. Section 11450.018 of the Welfare and Institutions
38 Code is repealed.

39 ~~11450.018. (a) Notwithstanding any other provision of law,~~
40 ~~the maximum aid payment in accordance with paragraph (1) of~~

1 subdivision (a) of Section 11450 as reduced by subdivisions (a)
2 and (b) of Section 11450.01, Section 11450.015, and Section
3 11450.017, shall be reduced by 4.9 percent for counties in
4 Region 2, as specified in Section 11452.018.

5 (b) Notwithstanding any other provision of law, through
6 October 31, 1998, the maximum aid payment in accordance with
7 paragraph (1) of subdivision (a) of Section 11450, as reduced by
8 subdivision (a) and (b) of Section 11450.01, Section 11450.015,
9 Section 11450.017, and subdivision (a) shall be reduced by 4.9
10 percent.

11 (c) Prior to implementing the reductions specified in
12 subdivisions (a) and (b), the director shall apply for and obtain a
13 waiver from the United States Department of Health and Human
14 Services of Section 1396a(c)(1) of Title 42 of the United States
15 Code. The reduction shall be implemented to the extent the
16 waiver is granted and only so long as the waiver is effective. This
17 subdivision shall not apply if either the federal waiver process set
18 forth at Section 1315 of Title 42 of the United States Code or
19 Section 1396a(c) is repealed or modified such that a waiver is not
20 necessary to implement subdivision (a) or (b).

21 (d) This section shall become operative and the reductions
22 specified in subdivisions (a) and (b) shall commence on the first
23 day of the month following 30 days after the receipt of federal
24 approval or on the first day of the month following 30 days after
25 a change in federal law that allows states to reduce aid payments
26 without any risk to federal funding under Title XIX of the Social
27 Security Act, whichever is earlier, but no earlier than October 1,
28 1995.

29 SEC. 7. Section 11453 of the Welfare and Institutions Code is
30 amended to read:

31 11453. (a) Except as provided in subdivision (c), the amounts
32 set forth in Section 11452 and subdivision (a) of Section 11450
33 shall be adjusted annually by the department to reflect any
34 increases or decreases in the cost of living. These adjustments
35 shall become effective ~~July 1 of each year~~ *October 1 of each year*
36 *or the first day of the month following 90 days after the annual*
37 *Budget Act becomes effective, whichever is later, unless*
38 *otherwise specified by the Legislature. The amounts set forth in*
39 *subdivision (a) of Section 11450 shall be adjusted only in those*
40 *years in which amounts for this purpose are expressly allocated*

1 in the annual Budget Act. Adjustment to the amounts set forth in
 2 subdivision (a) of Section 11450 shall become effective October
 3 1 of each year or, 90 days after the first day of the month after
 4 the annual Budget Act becomes effective whichever is later. For
 5 the 2000–01 fiscal year to the 2003–04 fiscal year, inclusive,
 6 ~~these~~ the adjustments to the amounts in Section 11452 and
 7 subdivision (a) of Section 11450 shall become effective October
 8 1 of each year. The cost-of-living adjustment shall be calculated
 9 by the Department of Finance based on the changes in the
 10 California Necessities Index, which as used in this section means
 11 the weighted average changes for food, clothing, fuel, utilities,
 12 rent, and transportation for low-income consumers. The
 13 computation of annual adjustments in the California Necessities
 14 Index shall be made in accordance with the following steps:

15 (1) The base period expenditure amounts for each expenditure
 16 category within the California Necessities Index used to compute
 17 the annual grant adjustment are:

18		
19	Food.....	\$ 3,027
20	Clothing (apparel and upkeep).....	406
21	Fuel and other utilities.....	529
22	Rent, residential.....	4,883
23	Transportation.....	1,757
24		<hr/>
25	Total.....	\$10,602
26		

27 (2) Based on the appropriate components of the Consumer
 28 Price Index for All Urban Consumers, as published by the United
 29 States Department of Labor, Bureau of Labor Statistics, the
 30 percentage change shall be determined for the 12-month period
 31 ending with the December preceding the year for which the
 32 cost-of-living adjustment will take effect, for each expenditure
 33 category specified in subdivision (a) within the following
 34 geographical areas: Los Angeles-Long Beach-Anaheim, San
 35 Francisco-Oakland, San Diego, and, to the extent statistically
 36 valid information is available from the Bureau of Labor
 37 Statistics, additional geographical areas within the state which
 38 include not less than 80 percent of recipients of aid under this
 39 chapter.

1 (3) Calculate a weighted percentage change for each of the
2 expenditure categories specified in subdivision (a) using the
3 applicable weighting factors for each area used by the State
4 Department of Industrial Relations to calculate the California
5 Consumer Price Index (CCPI).

6 (4) Calculate a category adjustment factor for each
7 expenditure category in subdivision (a) by (1) adding 100 to the
8 applicable weighted percentage change as determined in
9 paragraph (2) and (2) dividing the sum by 100.

10 (5) Determine the expenditure amounts for the current year by
11 multiplying each expenditure amount determined for the prior
12 year by the applicable category adjustment factor determined in
13 paragraph (4).

14 (6) Determine the overall adjustment factor by dividing (1) the
15 sum of the expenditure amounts as determined in paragraph (4)
16 for the current year by (2) the sum of the expenditure amounts as
17 determined in subdivision (d) for the prior year.

18 (b) The overall adjustment factor determined by the preceding
19 computation steps shall be multiplied by the schedules
20 established pursuant to Section 11452 and subdivision (a) of
21 Section 11450 as are in effect during the month of June
22 preceding the fiscal year in which the adjustments are to occur
23 and the product rounded to the nearest dollar. The resultant
24 amounts shall constitute the new schedules which shall be filed
25 with the Secretary of State.

26 (c) ~~(1) No adjustment to the maximum aid payment set forth~~
27 ~~in subdivision (a) of Section 11450 shall be made under this~~
28 ~~section for the purpose of increasing the benefits under this~~
29 ~~chapter for the 1990-91, 1991-92, 1992-93, 1993-94, 1994-95,~~
30 ~~1995-96, 1996-97, and 1997-98 fiscal years, and through~~
31 ~~October 31, 1998, to reflect any change in the cost of living. For~~
32 ~~the 1998-99 fiscal year, the cost-of-living adjustment that would~~
33 ~~have been provided on July 1, 1998, pursuant to subdivision (a)~~
34 ~~shall be made on November 1, 1998. Elimination of the~~
35 ~~cost-of-living adjustment pursuant to this paragraph shall satisfy~~
36 ~~the requirements of Section 11453.05, and no further reduction~~
37 ~~shall be made pursuant to that section.~~

38 ~~(2) No adjustment to the minimum basic standard of adequate~~
39 ~~care set forth in Section 11452 shall be made under this section~~
40 ~~for the purpose of increasing the benefits under this chapter for~~

1 the 1990–91 and 1991–92 fiscal years to reflect any change in the
2 cost of living.

3 ~~(3) In any fiscal year commencing with the 2000–01 fiscal~~
4 ~~year to the 2003–04 fiscal year, inclusive, when there is any~~
5 ~~increase in tax relief pursuant to the applicable paragraph of~~
6 ~~subdivision (a) of Section 10754 of the Revenue and Taxation~~
7 ~~Code, then the increase pursuant to subdivision (a) of this section~~
8 ~~shall occur. In any fiscal year commencing with the 2000–01~~
9 ~~fiscal year to the 2003–04 fiscal year, inclusive, when there is no~~
10 ~~increase in tax relief pursuant to the applicable paragraph of~~
11 ~~subdivision (a) of Section 10754 of the Revenue and Taxation~~
12 ~~Code, then any increase pursuant to subdivision (a) of this~~
13 ~~section shall be suspended.~~

14 ~~(4) Notwithstanding paragraph (3), an adjustment to the~~
15 ~~maximum aid payments set forth in subdivision (a) of Section~~
16 ~~11450 shall be made under this section for the 2002–03 fiscal~~
17 ~~year, but the adjustment shall become effective June 1, 2003.~~

18 (d) For the 2004–05 fiscal year, the adjustment to the
19 maximum aid payment set forth in subdivision (a) shall be
20 suspended for three months commencing on the first day of the
21 first month following the effective date of the act adding this
22 subdivision.

23 (e) Adjustments for subsequent fiscal years pursuant to this
24 section shall not include any adjustments for any fiscal year in
25 which the cost of living was suspended pursuant to subdivision
26 (c).

27 SEC. 8. This act is an urgency statute necessary for the
28 immediate preservation of the public peace, health, or safety
29 within the meaning of Article IV of the Constitution and shall go
30 into immediate effect. The facts constituting the necessity are:

31 In order to make the necessary statutory changes to implement
32 the Budget Act of 2005 at the earliest possible time, it is
33 necessary that this act take effect immediately.